

ILLINOIS POLLUTION CONTROL BOARD
August 7, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-102
)
CITY OF La HARPE, a Municipal)
Corporation,)
)
Respondent.)

MR. BRIAN E. REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

MR. RICHARD RASMUSSEN, CITY ATTORNEY, APPEARED ON BEHALF OF THE
RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the May 4, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from August 1, 1978 until August 31, 1978, the Respondent, the City of La Harpe ("City"), operated its wastewater treatment plant ("plant") in such a manner as to violate the BOD₅ effluent limitations set in its NPDES Permit in violation of Rules 410(a) and 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from April 1, 1978 until May 4, 1979, the City allowed the discharge of effluents containing total suspended solids in excess of the limitations prescribed in its NPDES Permit in violation of Rules 410(a) and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count III alleged that the City allowed the discharge of contaminants to an unnamed tributary of the South Branch of Crooked Creek from a wet well at the City's lift station (located at Third and Archer Street) without the requisite NPDES Permit in violation of Rule 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count IV alleged that, from July 30, 1977 until May 4, 1979, the City failed to provide auxiliary power or auxiliary pumping facilities at its Third and Archer Street lift station in violation of its NPDES Permit and in violation of Rules 601(a) and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count V alleged that, from July 30, 1977 until May 4, 1979, the City violated its NPDES Permit by failing to provide facilities or equipment to measure total flow of effluent in violation of Rules 502(a) and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count VI alleged that, from July 30, 1977 until May 4, 1979, the City operated its plant without a properly certified operator in violation of Rules 410(a), 901, and 1201 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count VII alleged that, from October 1, 1977 until May 4, 1979, the City failed to monitor and report to the Agency on various effluent parameters (fecal coliform, ammonia, and BOD₅) as required by its NPDES Permit in violation of Rule 901 and Sections 12(a) and 12(f) of the Act.

Count VIII alleged that, from April 1, 1978 until May 4, 1979, the City failed to report to the Agency concerning the effluent violations set out in Counts I and II pertaining to BOD₅ and total suspended solids in violation of Rules 410(a) and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count IX alleged that, from October 1, 1977 until November 30, 1977, the City caused or allowed overflows from its sanitary sewers in violation of Rule 602(b) of Chapter 3 and Section 12(a) of the Act. A hearing was held on June 20, 1980. The parties filed a Stipulation and Proposal for Settlement on July 15, 1980.

The City of La Harpe operates a wastewater treatment facility in Hancock County, Illinois which discharges wastewater into the South Branch of Crooked Creek pursuant to NPDES Permit No. IL 0025071. Discharge monitoring reports filed by the City during the time period between April, 1978 and September, 1978 indicate that violations of various conditions in its NPDES Permit occurred. (Stip. 3).

The parties have stipulated that the City allowed the discharge of sewage from a wet well at its Third and Archer Street lift station. (Stip. 4). There was no NPDES Permit for the discharge of the wet well into a drainage ditch north of the lift station. (Stip. 4). It is also stipulated that the City failed to provide: (1) auxiliary pumping facilities at the lift station since July 30, 1977; (2) flow-composited effluent concentrations as required by its NPDES Permit (from October 1, 1977 until May of 1979); (3) information within five days of a failure to comply with an effluent limitation in its NPDES Permit (See: Standard Condition #9 of the Permit) and (4) failed to monitor and report concentrations for fecal coliform. (Stip. 4).

On August 5, 1977 and on November 2, 1977, Mr. Larry Jones of West Second Street in the City of La Harpe reported to the Agency that sewage back-ups had occurred in the basement of his home. (Stip. 5). However, since that date, the City has taken several

steps to rectify matters. The City of La Harpe has installed a T ("tee") on its force main and provided a portable pump to deal with overflows from its Third and Archer Street lift station. Additionally, the City has applied for a grant to upgrade its sewer facilities and Step 1 of the grant process was completed on February 6, 1979. (Stip. 5). Since the date of the reported sewage back-ups, the Agency has received no complaints regarding any other sewage back-ups. (R. 4).

The proposed settlement agreement provides that the Respondent admits the allegations charged in Count I, II, III, IV, V, VII, VIII, and IX of the Complaint (the Complainant has requested that the Board dismiss Count VI of the Complaint) and agrees to: (1) cease and desist from further violations; (2) expeditiously pursue funding under the grant program (and not fall behind in its grant schedule); (3) establish a systematic program to locate and eliminate, where possible, obvious sources of infiltration and inflow such as footing tiles, drain pipes, and sump pumps; (4) follow a detailed compliance plan to correct all environmental problems, and (5) pay a stipulated penalty of \$1,000.00 .

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the City of La Harpe, has violated Rules 410(a), 502(a), 601(a), 602(b), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act. The Respondent is ordered to cease and desist from further violations of Chapter 3 and the Act. The Board hereby dismisses Count VI of the Complaint. The stipulated penalty of \$1,000.00 is assessed against the City of La Harpe.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the City of La Harpe, has violated Rules 410(a), 502(a), 601(a), 602(b), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.


3. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 15, 1980, which is incorporated by reference as if fully set forth herein.

5. Count VI of the Complaint is hereby dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 7th day of August, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board